Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application.

1. (Previously presented) A method, comprising

reading program code from memory and processing said program code with a machine to perform the following method:

displaying a tree on a graphical user interface, said tree comprising:

a) a first node that identifies a testing scenario for an object oriented business logic process;

b) a plurality of sub nodes of said first node, each of said plurality of sub nodes identifying a different object oriented software component of said business logic process, each of said plurality of sub nodes capable of spawning its own sub tree that includes:

i) a node that identifies a computing system within which an instance of its sub node's corresponding software component is instantiated;

ii) an availability node that indicates said instance is unavailable when said instance is unavailable, said indication that said instance is unavailable being made with a color that is different than another color used to indicate said instance is available when said instance is available;

iii) a heartbeat node that displays text contained in a message received from a network, said message pertaining to said instance and part of said testing scenario;

displaying a feature on said graphical user interface apart from said tree, said feature showing non working testing scenarios for other business logic processes.

2. (Previously presented) The method of claim 1 wherein said availability node indicates availability as a percentage.

3. (Previously presented) The method of claim 2 wherein said percentage is calculated over a fixed time interval.

4. (Canceled) .

5. (Previously presented) The method of claim 1 wherein said message was sent over a network within an information systems infrastructure from a location where said one or more software components were tested for availability.

6. (Previously presented) The method of claim 5 wherein said message further comprised an XML document.

7. (Previously presented) The method of claim 5 wherein said message further included an indication that the particular software component instance to which said text is presented in reference to is unavailable.

8. (Previously presented) The method of claim 7 wherein said text is presented in the color red.

9. (Canceled).

10. (Previously presented) The method of claim 1 wherein said feature is a second tree.

11. (Previously presented) An article of manufacture, comprising:

stored program code which when processed by a machine causes said machine to perform a method, said method comprising:

displaying a tree on a graphical user interface, said tree comprising:

a) a first node that identifies a testing scenario for an object oriented business logic process;

b) a plurality of sub nodes of said first node, each of said plurality of sub nodes identifying a different object oriented software component of said business logic process, each of said plurality of sub nodes capable of spawning its own sub tree that includes:

i) a node that identifies a computing system within which an instance of its sub node's corresponding software component is instantiated;

ii) an availability node that indicates said instance is unavailable when said instance is unavailable, said indication that said instance is unavailable being made with a color that is different than another color used to indicate said instance is available when said instance is available;

iii) a heartbeat node that displays text contained in a message received from a network, said message pertaining to said instance and part of said testing scenario;

displaying a feature on said graphical user interface apart from said tree, said feature showing non working testing scenarios for other business logic processes.

12. (Previously presented) The machine readable medium of claim 11 wherein said availability node indicates availability as a percentage.

13. (Previously presented) The machine readable medium of claim 12 wherein said percentage is calculated over a fixed time interval.

14. (Canceled).

15. (Previously presented) The machine readable medium of claim 11 wherein said message was sent over a network within an information systems infrastructure from a location where said one or more software components were tested for availability.

16. (Previously presented) The machine readable medium of claim 15 wherein said message further comprised an XML document.

17. (Previously presented) The machine readable medium of claim 15 wherein said message further included an indication that the particular software component instance to which said text is presented in reference to is unavailable.

18. (Previously presented) The machine readable medium of claim 17 wherein said text is presented in the color red.

19. (Canceled).

20. (Previously presented) The machine readable medium of claim 11 wherein said feature is a second tree.

21. (Previously presented) A computing system, comprising:

a ~~machine readable medium having stored thereon program code~~ stored program code that when processed by one or more machines cause a method to be performed, said method comprising:

displaying a tree on a graphical user interface, said tree comprising:

a) a first node that identifies a testing scenario for an object oriented business logic process;

b) a plurality of sub nodes of said first node, each of said plurality of sub nodes identifying a different object oriented software component of said business logic process, each of said plurality of sub nodes capable of spawning its own sub tree that includes:

i) a node that identifies a computing system within which an instance of its sub node's corresponding software component is instantiated;

ii) an availability node that indicates said instance is unavailable when said instance is unavailable, said indication that said instance is unavailable being made with a color that is different than another color used to indicate said instance is available when said instance is available;

iii) a heartbeat node that displays text contained in a message received from a network, said message pertaining to said instance and part of said testing scenario;

displaying a feature on said graphical user interface apart from said tree, said feature showing non working testing scenarios for other business logic processes.

22. (Previously presented) The computing system of claim 21 wherein said availability node indicates availability as a percentage.

23. (Previously presented) The computing system of claim 22 wherein said percentage is calculated over a fixed time interval.

24. (Canceled).

25. (Previously presented) The computing system of claim 21 wherein said message was sent over a network within an information systems infrastructure from a location where said one or more software components were tested for availability.

26. (Previously presented) The computing system of claim 25 wherein said message further comprised an XML document.

27. (Previously presented) The computing system of claim 25 wherein said message further included an indication that the particular software component instance to which said text is presented in reference to is unavailable.

28. (Original) The computing system of claim 27 wherein said text message is presented in the color red.

29. (Canceled).

30. (Previously presented) The computing system of claim 21 wherein said feature is a second tree.

31-49. (Canceled)

COMMENTS

The enclosed is responsive to the Examiner's Final Office Action mailed on August 1, 2008. At the time the Examiner mailed the Final Office Action claims 1-3, 5-8, 10-13, 15-18, 20-23, 25-28 and 30 were pending. By way of the present response the Applicant has not amended, canceled or added any claims. As such claims 1-3, 5-8, 10-13, 15-18, 20-23, 25-28 and 30 remain pending. The Applicant respectfully requests reconsideration of the present application and the allowance of claims 1-3, 5-8, 10-13, 15-18, 20-23, 25-28 and 30.

The Examiner has rejected independent claims 11 and 21 as covering non statutory subject matter. The Applicant believes the claims to be statutory as previously presented. However in the interests of moving the prosecution of the present application forward, the applicant has amended the term "stored program code" to recite instead "program code stored on a machine readable storage medium" within both of independent claims 11 and 21. The Applicant respectfully submits that claims 11 and 21 recite only patentable subject matter and that the Examiner's rejection should be removed as a consequence.

The Examiner has rejected each of independent claims 1, 11 and 21 as being anticipated by U.S. Pub. App. No. 2002/0186238 (hereinafter, "Sylor"). The Applicant's independent claims recite:

> 1. (Presently Amended) A method, comprising:
> reading program code from memory and processing said program code with a machine to perform the following method:
> displaying a tree on a graphical user interface, said tree comprising:
> a) a first node that identifies a testing scenario for an object oriented business logic process;
> b) a plurality of sub nodes of said first node, each of said plurality of sub nodes identifying a different object oriented software component of said business logic process, each of said plurality of sub nodes capable of spawning its own sub tree that includes:
> i) a node that identifies a computing system within which an instance of its sub node's corresponding software component is instantiated;
> ii) an availability node that indicates said instance is unavailable when said instance is unavailable, said indication that said instance is unavailable being made with a color that is different than another color used to indicate said instance is available when said instance is available;

iii) a heartbeat node that displays text contained in a message received from a network, said message pertaining to said instance and part of said testing scenario;

displaying a feature on said graphical user interface apart from said tree, said feature showing non working testing scenarios for other business logic processes.

The Applicant respectfully submits, as explained in more detail below, that Sylor fails to disclose the claim limitations emphasized above.

Sylor pertains to monitoring and troubleshooting complex IS environments. In order to enhance the troubleshooting process, Sylor goes to great lengths to detail the interdependencies that exist between IS components. See, e.g., Sylor para. [0003]. Sylor describes the concept of a "resource" (24) which can include a "business process" "software". See, Sylor, para. [0063]. Sylor indicates that a resource (24) can be represented/modeled with a "resource profile" (77). Moreover, Sylor indicates that resources can have hierarchical relationships and that these hierarchical relationships can be graphically depicted on a GUI. See, Sylor para. [0107], [0110]. Thus, without admitting to as much, it would not be unreasonable for the Examiner to conclude that Sylor discloses representing a business process's individual components in a hierarchical representation on a graphical user interface.

Regardless, however, that is the farthest Sylor can reasonably be interpreted to meet the Applicant's claim elements. The primary emphasis of Sylor is to define complex interdependencies within an IS infrastructure and represent these graphically on a GUI. By contrast, the Applicant's specification is directed to monitoring the availability of a business logic process by measuring the availability of its constituent components and graphically showing the availability of the business process and its components. Although there is some overlap between the objectives of Sylor and the objectives of the Applicant's specification, the overlap is not coextensive, and, Sylor simply fails to disclose specific details directed to the Applicant's objective that manifest themselves within the Applicant's claims. Such details are emphasized in the recital of claim 1 above.

Firstly, the Examiner is alerted to the fact that the Applicant's claims are directed to a graphical user interface, and, Sylor's disclosure of a graphical user interface is substantially limited to Figs. 2a, 2b, 3a and 3b, and, paragraphs [0106] through [0159]. Disclosure of

Sylor outside these specific portions of Sylor are generally not describing a graphical user interface, but rather, underlying processes and architectures of the complete working system (of which the GUI is only a part). Therefore, support for the Examiner's rejection should largely be grounded in the teachings of Figs. 2a through 3b and paragraphs [0106] through [0159] of Sylor rather than some other portion of Sylor. Notably, looking at the Examiner's rejection from this perspective, perhaps as little as a third of the citations of Sylor utilized by the Examiner to meet the Applicant's claim elements are from the proper portion of Sylor (meaning that perhaps as much as two thirds of the citations identified by the Examiner do not describe a graphical user interface at all).

When Sylor's disclosure of the GUI is examined it is clear to the Applicant that Sylor simply fails to disclose a node representative of a software component that can spawn a subtree whose corresponding nodes include: 1) a first node that identifies the computing system that the software component is instantiated on; 2) an availability node that identifies with colors whether the software component is available/unavailable; and, 3) a heartbeat node.

With respect to the node that identifies the computing system that the software component is instantiated on, the Examiner identifies paragraphs [0064], [0065], [0141] and Fig. 9b as meeting this claim element. The Applicant's claim element should be simple to meet if in fact it is disclosed - yet the Examiner has identified four different portions of Sylor to meet this simple element - which on its face suggests that this element can not be found in Sylor (which it can not). Paragraphs [0064] and [0065] describe the resource (24) of Sylor not the GUI of Sylor. Fig. 9b maps dependencies between different resource profiles - but again does not disclose anything about the GUI of Sylor. Paragraph [0141] does pertain to the GUI of Sylor. However, paragraph [0141] of Sylor clearly indicates that the GUI of Sylor is very different than the claimed GUI of the present application. Paragraph [0141] describes a "mouseover dialog" box 517 as containing the "name" of the resource. The Examiner's attention is directed to Fig. 3B of Sylor which clearly shows the mouseover dialog 517. Note that is simply not part of a subtree within a hierarchy, but rather, is presented as a stand alone box. Therefore the mouseover dialog 517 of Sylor is simply incapable of meeting the Applicant's claim element which is directed to a node within a subtree.

Similarly, with respect to the Applicant's claimed "availability node", the Examiner cites paragraph [0097]. Again, paragraph [0097] does not disclose anything about the GUI of Sylor, rather, it only says that a resource profile (77) can include alarm information and describes specific components of the alarm information. How the alarm information is presented on a GUI is simply not disclosed in paragraph [0097] of Sylor. The Examiner also identified paragraph [0135] of Sylor which seems to associate colors with alarms on the GUI of Sylor. However, paragraph [0135] does not appear to indicate a node is <u>specially created to indicate a component's availability</u> and whether or not that node is <u>part of a sub tree</u>.

Finally, with respect to the Applicant's claimed "heartbeat node", the Examiner again cites contents the "mouseover dialog" 517. The Applicant has already explained to the Examiner that the mouseover dialog 517 of Sylor is clearly not a node within a subtree and is therefore incapable of meeting the Applicant's heartbeat node claim element.

Thus, the Applicant respectfully submits that the Sylor reference simply does not describe GUI details sufficient to meet the Applicant's claimed GUI. Therefore the Applicant respectfully requests the removal of the outstanding rejection and the allowance of the instant application.